

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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OFFICE OF THE SECRETARY

In the Matter of )

Federal-State Joint Board on  
Universal Service; Promoting  
Deployment and Subscribership  
in Unserved and Underserved Areas,  
Including Tribal and Insular Areas )

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CC Docket No. 96-45

REPLY COMMENTS OF WESTERN WIRELESS CORPORATION

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## **EXECUTIVE SUMMARY**

Western Wireless Corporation ("Western Wireless") can testify from its own experience with lengthy eligible telecommunications carrier ("ETC") designation proceedings that there is a compelling need for the proposed six-month deadline for such proceedings. The fact that a minority of states have shown that they can expeditiously process ETC applications demonstrates that the rest of the states should have no problem meeting the proposed six-month deadline. Expediting the ETC designation process will fulfill Congress' expectations and serve the public interest by accelerating the benefits of competition for rural and high-cost areas. The Commission has ample legal authority to adopt rules governing sections of the Act that the states must implement, including the designation of ETCs under Section 214(e)(2).

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**REPLY COMMENTS OF WESTERN WIRELESS CORPORATION**

Western Wireless Corporation ("Western Wireless"), by counsel, hereby submits these Reply Comments on the Further Notice of Proposed Rulemaking regarding the need for the Commission to establish procedures governing the designation of eligible telecommunications carriers ("ETCs") for federal universal service support. 1/

Western Wireless agrees with the commenters who recognize that ETC designation should be handled in a timely, expeditious manner, 2/ and that the FCC

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1/ *Federal-State Joint Board on Universal Service; Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas*, CC Docket No. 96-45, Twelfth Report and Order ("*Twelfth R&O*"), Memorandum Opinion and Order and Further Notice of Proposed Rulemaking ("*ETC FNPRM*"), FCC 00-208, ¶¶ 151-53 (rel. June 30, 2000); Public Notice, DA 00-1783 (rel. Aug. 4, 2000) (extending comment and reply deadlines).

2/ Comments of the People and the State of California and the California Public Utilities Commission at 3 ("*California PUC*"); Florida Public Service Commission Comments at 3 ("*Florida PSC*"); Comments of the South Dakota Independent Telephone Coalition at 4 (agreeing that "ETC designation proceedings should be completed as quickly as possible by the state agency") ("*SDITC*"); Comments of the Cheyenne River Sioux Tribe Telephone Authority at 1,3 ("*Cheyenne River Sioux*").

is empowered to adopt rules ensuring that the designation of ETCs by state commissions proceeds fairly, quickly, and in a competitively neutral manner. 3/ The Commission has already recognized the critical nature of ETC designation in the provision of universal service by new entrants. 4/ Toward that end, Western Wireless strongly supports the Commission's proposal to adopt a six-month deadline for both the FCC and the state commissions to resolve federal ETC petitions filed under Section 214(e) of the Communications Act of 1934 ("Act"), 47 U.S.C. § 214(e). 5/ In this Reply, we demonstrate the critical need for FCC rules to set time limits to govern the designation of ETCs for federal universal service support, and we highlight the strong legal basis for adoption of such rules by the Commission.

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3/ Comments of WorldCom, Inc., at 1-3 ("WorldCom"); Comments of the Competitive Universal Service Coalition at 4-6 ("CUSC").

4/ *Federal-State Joint Board on Universal Service; Western Wireless Corporation Petitions for Preemption of an Order of the South Dakota Public Utilities Commission*, CC Docket No. 96-45, Declaratory Ruling, FCC 00-248, ¶¶ 12-13, 23, 27-31 (rel. Aug. 10, 2000) ("*ETC Declaratory Ruling*"); *Western Wireless Petition for Preemption of Statutes and Rules Regarding the Kansas Universal Service Fund*, File No. CWD 98-90, Memorandum Opinion and Order, ¶ 8 (rel. Aug. 28, 2000) ("*State USF Portability Ruling*"); see also CUSC at 2-4 (citing *ETC FNPRM*, ¶ 151; *ETC Declaratory Ruling*, ¶¶ 12-13, and noting the "chilling effect" the "glacial pace of designation proceedings" has on prospective ETC applicants).

5/ *ETC FNPRM*, ¶ 152.

## **I. THERE IS A CONTINUING, URGENT NEED FOR FCC RULES TO EXPEDITE ETC DESIGNATIONS**

Western Wireless' experience in seeking ETC designations from nearly a third of the state commissions nationwide, as well as from this Commission, strongly supports the compelling need for national rules governing the Section 214(e) ETC designation process. As noted by several states filing comments in this proceeding and by CUSC, a few states have been able to designate competitive ETCs quickly. <sup>6/</sup> Western Wireless commends those states – and others taking an equally pro-competitive stance – for their rapid action. <sup>7/</sup> However, the mere fact that a handful of states perceive the benefit of opening local telecommunications markets and have acted accordingly to expedite competitive entry by prospective ETCs does not vitiate the need for FCC action here. The six-month deadline for resolving ETC proceedings proposed in the *ETC FNPRM* is definitely needed to spur action by those states that have lagged significantly behind, to the detriment of prospective new entrant ETCs such as Western Wireless.

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<sup>6/</sup> See California PUC at 3-4; Florida PSC at 3-4; CUSC at 4-6 (noting that Texas and California routinely designate competitive ETCs in an expeditious manner) (citing Texas Admin. Code § 26.418; *Western Wireless LLC; To Designate Western Wireless as an Eligible Telecommunications Carrier Pursuant to the Federal Communications Commission's Report and Order (97-157) in the Matter of Federal-State Joint Board on Universal Service (CC Docket No. 96-45)*, Resolution T-16436 (Cal. PSC July 20, 2000) ("*Western Wireless California ETC Designation*").

<sup>7/</sup> It is interesting to note, however, that among the states filing initial comments, the Commission heard from only those that manage to designate ETCs expeditiously. Notably silent are states like South Dakota and Oklahoma, which have allowed ETC designation proceedings commenced by Western Wireless petitions to drag on interminably. See *infra*, Section I.A and Appendix A.

**A. Western Wireless Has Experienced Significant Delays in the ETC Designation Process in Numerous States**

Given the critical nature of ETC designation to competitive entry in high-cost areas, a key purpose of this Reply is to counter the misperception that "there is no need to require a state to process ETC requests within a specified time-frame," 8/ and to refute the incorrect suggestion that "no evidence has been presented that a problem exists." 9/ While it is not surprising that states like Florida and California that apparently resolve ETC proceedings quickly and efficiently are unaware of problems in other states, Western Wireless can attest to the fact that there is a "pattern and practice by other states of unduly delaying their consideration of ETC requests." 10/ Indeed, to the extent that "it is unclear whether there have been consistent delays in handling requests by state commissions for ETC designation," Western Wireless can assure the Commission that the problem goes deeper than the "handful of unique cases" addressed in the *Twelfth R&O*. 11/

Western Wireless filed its first round of ETC applications in thirteen states in August and September of 1998. Of these, only one (Minnesota) has been

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8/ California PUC at 3.

9/ Florida PSC at 3.

10/ *Contra*, California PUC at 4 ("The CPUC . . . is unaware of any evidence that demonstrates a pattern and practice by other states of unduly delaying their consideration of ETC requests.").

11/ *Contra*, Florida PSC at 3.

fully resolved and implemented by a state commission. 12/ Several applications are still languishing before their respective state commissions some two years later, including some that had to be withdrawn and refiled. 13/ Furthermore, one application was dismissed on jurisdictional grounds – but only after a year-long proceeding on the merits – and has now been pending before the FCC for nearly a year. 14/ Another was erroneously denied, became the subject of state-court appeals and an FCC preemption proceeding, and still has not been finally adjudicated on its merits. 15/ Yet another application had to be voluntarily dismissed – after it had been pending for nearly a year – when the state commission denied Western Wireless' request to strike or limit the more than 400 interrogatories served on it by the commission's staff and various intervenors. 16/

Since that initial round of ETC petitions, Western Wireless has refiled three of its original ETC petitions and has filed two additional petitions before state

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12/ Although Western Wireless has received ETC designation in other states, those grants are on appeal, subject to appeal, or still awaiting a final decision on whether to grant Western Wireless ETC status for areas served by rural telephone companies.

13/ This includes Western Wireless' ETC application in South Dakota where, even though the company successfully appealed the state commission's order denying ETC status, the commission has appealed and has yet to designate Western Wireless as an ETC. A chart listing the filing dates and status of all the ETC designation requests filed by Western Wireless is attached hereto at Appendix A.

14/ See *Twelfth Report and Order*, ¶¶ 135-37 (discussing Western Wireless' ETC application for Wyoming).

15/ See *ETC Declaratory Ruling*, *supra* note 4; see also *supra* note 13.

16/ *Western Wireless Corporation Application for Designation as an Eligible Telecommunications Carrier*, Utility Division Docket No. D98.8.190, Order Approving Withdrawal, Order No. 6158b (MT PSC Nov. 30, 1999).



commissions for ETC status. While a couple of its ETC petitions were acted upon relatively quickly, 17/ the vast majority of its petitions were subject to significant delay or are still awaiting a decision on their merits. 18/

This history indicates that a significant number of states are taking far too long to designate competitive entrants as ETCs. The designation of ETCs under Section 214(e) should be a relatively straightforward, quick and painless administrative task. Indeed, most state commissions designated the incumbent carriers within their respective jurisdictions in a matter of a few weeks or months, many in a largely ministerial manner. The FCC has already indicated that forcing new entrants to endure ETC designation proceedings that are substantially

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17/ See, e.g., California PUC at 5 (citing *Western Wireless California ETC Designation*) (2 months); *Application of WWC License LLC d/b/a Cellular One to Be Designated as an Eligible Telecommunications Carrier in the State of Nevada*, Docket No. 00-6003, Compliance Order (Nev. PUC Aug. 17, 2000) (2 months).

18/ Even in states where Western Wireless was ultimately designated as an ETC, the process often took considerably longer than the 2-7 months California, Florida and Texas have established as the time frame for ETC proceedings. See *Minnesota Cellular Corp. Petition for Designation as an Eligible Telecommunications Carrier*, Docket No. P-5695/M-98-1285, 1999 WL 1455080, at 16 (MN PUC Oct. 27, 1999) (14 months); *Western Wireless Corporation Designated Eligible Carrier Application*, Case No. PU-1564-98-428 (ND PSC Dec. 15, 1999) (16 months); *GCC Licensee Corporation's Petition for Designation as an Eligible Telecommunications Carrier*; *Application of Sprint Spectrum L.P. (d/b/a Sprint PCS) for Designation as an Eligible Telecommunications Carrier*, Docket Nos. 99-GCCZ-156-ETC, 99-SSLC-173-ETC, Order #6 (Kan. Corp. Comm'n Jan. 18, 2000) (17 months); *Petition of WWC Holding Co., Inc., for Designation as an Eligible Telecommunications Carrier*, Docket No. 98-2216-01 (Utah PSC July 21, 2000) (23 months). Western Wireless also notes that it has now been over a year since it filed a petition for ETC designation on the Crow Reservation in Montana, see *Twelfth R&O*, ¶¶ 138-40, and the one-year anniversary of the filing of its Wyoming ETC petition with the FCC is fast approaching. See *id.* at ¶¶ 135-37.

lengthier or more intrusive than those faced by incumbents is improper. 19/ The significant delays faced by prospective new-entrant ETCs such as Western Wireless are all the more troubling given that the state commissions are not necessarily struggling with the merits of whether a carrier meets the ETC criteria. Instead, these states have delayed even addressing the question in the first instance, and have postponed requesting and assessing the relevant information thereafter.

Thus, it is plainly wrong for NTCA to suggest that "[t]he impression that state commissions are taking too long to resolve requests for ETC designations is false." 20/ First, Western Wireless' experience, as outlined above, clearly belies NTCA's assertion. Second, the fact that "over the last fifteen months," a handful of states "have issued decisions granting carriers ETC designations in rural areas," says little, if anything, about how long each of those state commissions took to reach their decisions. 21/ Indeed, as noted above, some of the states cited by NTCA took far longer than the six months proposed in the *ETC FNPRM* to grant ETC status. 22/ Even if a few state commissions process and resolve ETC petitions filed by competitive carriers in a timely manner, new entrants still face substantial

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19/ See *ETC Declaratory Ruling*, ¶ 21 n.39 ("We would be troubled by a process in which the incumbent LEC were able to self-certify that it meets the criteria for ETC designation, while new entrants were subject to a more rigorous, protracted state proceeding.").

20/ Comments of the National Telephone Cooperative Association at 3 ("NTCA").

21/ See *id.* (noting grants of ETC status in rural areas by Arkansas, California, Kansas, Maryland, Minnesota, North Dakota, Washington and Wisconsin).

22/ See *supra*, note 18.

delays in many states. FCC rules to expedite the ETC designation process are therefore clearly necessary.

**B. The Six-Month Deadline Proposed by the Commission is Feasible and Appropriate**

The Commission's proposal to adopt a rule codifying its commitment to resolve the merits of ETC petitions within six months, and to impose a like requirement upon state commissions, 23/ is an effective and workable solution to the problem of delays in the ETC designation process. The fact that the FCC thinks it practicable to impose a six-month deadline on its own ETC deliberations, despite the nationwide scope of its regulatory duties, argues strongly that the state commissions can meet a six-month deadline as well. Several states, including small states such as Nevada as well as large states like California and Texas, have already demonstrated that they can routinely resolve ETC applications within six months or less. 24/ Adoption of an FCC rule imposing such a deadline should not impose an undue burden on any state commission.

First, the proposed rule will not impose a burden on those states that are already routinely designating competitive ETCs within six months. Adoption of the proposed rule will likely have little, if any, impact in those states. To the extent that other states are taking significantly longer to resolve ETC applications, none

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23/ ETC FNPRM, ¶ 152.

24/ See *supra*, notes 6, 17 and accompanying text.

have filed comments here suggesting that they need more than six months to reach a decision. 25/

Second, a six-month limit such as that proposed by the Commission would help ensure that states focus their ETC decision-making processes on the correct issue – whether a competitive carrier satisfies the Section 214(e)(1) criteria – rather than on irrelevant or improper matters. 26/ A six-month deadline should be easy for states to meet given that the factual findings required in Section 214(e)(1) are relatively clear and easy to render. 27/ The FCC should disregard the

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25/ The fact that some state commissions are subject to "due process procedural requirements" under state law that might make designating competitive ETCs within six months something of a challenge, *see, e.g.*, Florida PSC at 3-4, is not grounds for the FCC to not adopt the proposed rule. First, the same procedural requirements presumably also apply to state commissions' processing of interconnection arbitrations, but notwithstanding those requirements most states have managed to comply with the detailed federal procedural requirements contained in Section 252 of the Act. Moreover, to the extent that such a state's law would make it impossible for the state commission to comply, that requirement would be preempted insofar as designating ETCs for federal universal support is concerned. *See, e.g., Louisiana PSC v. FCC*, 476 U.S. 355, 368 (1986) ("Pre-emption occurs when . . . when there is outright or actual conflict between federal and state law, where compliance with both federal and state law is in effect physically impossible . . . or where the state law stands as an obstacle"); 47 U.S.C. § 253(d). Moreover, as some commenters have suggested, the FCC's waiver process is available in those isolated individual cases where it can be shown that good cause makes meeting the six-month deadline absolutely impossible or impracticable. *See, e.g., Cheyenne River Sioux* at 4 (noting that the time limit, if adopted, could be waived by the FCC where necessary).

26/ *See ETC Declaratory Ruling, supra* notes 4, 19 (ruling that whether an ETC applicant is already ubiquitously providing universal service is an improper inquiry); *see also supra*, note 16 and accompanying text (describing the more than 400 interrogatories served on Western Wireless in Montana).

27/ *See CUSC* at 5. In fact, some states made this determination for the incumbents through self-certification and a process that did not involve any procedural delay. *See also supra* note 19.

groundless attempt of some commenters to make these factual findings appear weightier than they are in reality. 28/

Finally, there is no merit to arguments that the proposed rule will be difficult to comply with in cases where Section 214(e)(2) requires a public interest inquiry for rural telephone company ("RTC") service areas. 29/ Nevada has designated Western Wireless as an ETC for areas served by both RTCs and non-RTCs, and it did so easily within six months. Texas has adopted ETC designation rules designed to allow designation of competitive ETCs within 6-7 months, even if a public interest inquiry for RTC service areas is required. 30/ If these state commissions can decide ETC petitions within six months, even where a public interest finding for RTC service areas is required, there is no reason not to insist that other state commissions (as well as the FCC) do so as well. This is particularly important in light of compelling policy arguments for granting ETC status expeditiously. 31/

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28/ See NTCA at 4.

29/ See *id.* at 4-5; SDITC at 3-4.

30/ CUSC at 5 (citing Texas Admin. Code § 26.418). Notwithstanding that states should easily be able to resolve within six months even those ETC petitions that include RTC service areas, Western Wireless concurs with CUSC's argument that FCC clarification of the Section 214(e) public interest standard would speed the ETC designation process, and make the proposed rule even easier for states to meet. *Id.* at 7-10.

31/ Concerns that imposition of a six-month deadline is inappropriate for ETC petitions filed under Section 214(e)(6) triggering FCC consultation with Indian tribes can be laid to rest. See *Cheyenne River Sioux* at 3-4. In most instances, the applicant will have already worked with the tribe and provided indicia of tribal support and/or consent. See, e.g., Petitions for Reconsideration of the *Twelfth R&O*, filed Sept. 5, 2000, by Western Wireless, Crow Tribal Council, and the Oglala Sioux Tribe. In any event, there is no reason why the FCC cannot concurrently conduct its factual inquiry

## II. THE COMMISSION HAS AMPLE LEGAL AUTHORITY TO ADOPT RULES GOVERNING BOTH STATE AND FEDERAL ETC DESIGNATIONS

The Commission has sufficient authority to adopt rules governing the designation of ETCs under Section 214(e) of the federal Act, including setting a deadline by which states must act. Western Wireless disputes USTA's assertion that "it is undisputed that the Commission does not have jurisdiction to impose conditions on the process by which the states reach ETC determinations and, therefore, that it cannot adopt such rules." 32/ To the contrary, the U.S. Supreme Court has made it abundantly clear that the FCC has authority to adopt rules governing state implementation of the federal Communications Act. 33/ Western Wireless endorses the legal analysis in CUSC's comments showing the clear basis for the FCC's power to adopt the rules proposed in the *ETC FNPRM*. 34/ Opposing com-

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on the merits of an ETC petition and consult with the tribe, nor is there any reason why six months would be insufficient time for the tribe to weigh in with its views.

32/ USTA at 2.

33/ *AT&T v. Iowa Utilities Board*, 525 U.S. 366, 378 (1999) (holding that Section 201(b) of the Act affords the FCC authority to adopt such rules and regulations that may be necessary to implement the Act, including provisions that the states must implement); *id.* at 385 (noting that such assignments "do not logically preclude the Commission's issuance of rules to guide the state-commission judgments"); *Federal-State Joint Board on Universal Service; Western Wireless Petition for Preemption of an Order of the South Dakota Public Utilities Commission*, Declaratory Ruling, CC Docket No. 96-45, FCC 00-248 (rel. Aug. 10, 2000) (ruling that state ETC designation procedures requiring carriers to provide ubiquitous universal service before being designated would be subject to FCC preemption under 47 U.S.C. § 253); *see also* WorldCom, *passim* (describing FCC authority to issue ETC designation rules) (citing *AT&T v. Iowa Utilities Board*, *supra*, and 47 U.S.C. § 253).

menters like USTA, NTCA and the SDITC provide hardly a shred of legal analysis in support of their contrary arguments. As CUSC demonstrates, Sections 201(b) and 253 of the Act, the Supreme Court's decision in *AT&T Corp. v. Iowa Utilities Board*, and the Fifth Circuit decision in *Texas Office of Public Utilities Counsel v. FCC* all clear the way for FCC regulations to establish a uniform and expeditious process for applicants seeking federal ETC status under Section 214(e). 35/

Indeed, in a case decided subsequent to the comment filing deadline, the Eighth Circuit held that the federal government "unquestionably" has "taken the regulation of local telecommunications competition away from" the states in the context of opening local markets. The court observed:

The new regime for regulating competition in this industry is federal in nature, and while Congress has chosen to retain a significant role for the state commissions, the scope of that role is measured by federal, not state law. 36/

The Eighth Circuit also stated:

In passing the Act, Congress was faced with reconciling such competing interests as federal uniformity and state autonomy, and it struck a compromise. With regard to purely state law issues, the state commissions may have the final say. As the

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34/ CUSC at 10-17. Western Wireless also concurs with CUSC's proposal and supporting analysis that the Commission should "resolve all issues relating to ETC designations on tribal lands, including both the jurisdictional issue and the issue on the merits, within a total of no more than six months . . . rather than bifurcating these proceedings." CUSC at 19 (emphasis and internal quotations omitted).

35/ *Id.*

36/ *Southwestern Bell Tel. Co. v. Connect Communications*, \_\_\_ F.3d \_\_\_, 2000 WL 1279976, \*3 (8th Cir. Sept. 12, 2000) (quoting and citing *AT&T v. Iowa Utilities Board*, 525 U.S. at 379 n.6, and citing 47 U.S.C. § 252) (internal citations omitted).

Supreme Court put it, however, "there is little doubt . . . that if the federal courts believe a state commission is not regulating in accordance with federal policy they may bring it to heel." 37/

Surely the FCC is no less empowered to "bring to heel" (through the adoption of rules) those state commissions that are not expeditiously and equitably carrying out their duty to qualify carriers as eligible for *federal* universal service programs. 38/

Thus, arguments that the FCC lacks authority to impose procedural rules for ETC designation on the state commissions sail wide of the mark. For example, it proves nothing to merely recite that Section 214(e)(2) charges the states with designating ETCs in most instances, or that Section 214(e)(2) does not expressly direct the FCC to adopt procedural rules for state ETC designations. 39/ Sections 252 and 251(f) charge the states with setting rates, approving interconnection agreements and granting rural exemptions, and neither section expressly

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37/ *Id.* at \*5 (quoting *AT&T v. Iowa Utilities Board*, 525 U.S. at 379 n.6, and citing *Puerto Rico Tel. Co. v. Telecoms. Regulatory Board*, 189 F.3d 1, 13-15 (1st Cir. 1999)). It bears noting that the Commission intervened in *Southwestern Bell v. Connect* to argue in favor of federal jurisdiction, and that the court noted that the case raised significant issues of federal law that had already been passed upon by the Commission. *Id.* at \*4-\*5.

38/ *Cf. ETC Declaratory Ruling; State USF Portability Ruling, supra* note 4.

39/ *E.g.*, USTA at 2; NTCA 7; SDITC at 2; Florida PSC at 4; California PUC at 5. The California PUC's observation that Congress did not impose a statutory deadline for state ETC designation, California PUC at 5, likewise proves nothing. As the California PUC goes on to note, "Congress . . . had no reason to assume that states would not diligently and efficiently fulfill their charge" so there was "no need to establish a statutory deadline." *Id.* (citations omitted). However, now that a need for ETC designation deadlines has become apparent (notwithstanding the California PUC's diligence), *see supra* Section I.A, action by the FCC to implement Section 214(e) in a manner that realizes Congress' expectation of "diligent and efficient" designation of ETCs by state commissions is entirely appropriate.



mentions FCC adoption of procedural rules to govern those tasks. 40/ Yet the Supreme Court affirmed the adoption of such FCC rules. 41/

Likewise, the Commission should disregard the misplaced arguments that "a federally imposed deadline is not in the public interest [or] necessary to carry out the provisions of the Act." 42/ Delays faced by prospective new entrants in obtaining ETC status clearly interfere with the Act's intent to reform universal service to allow competition even in high-cost areas. 43/ Removal of those delays to facilitate competitive entry, and its attendant benefits, would clearly be in the public interest. In short, nothing in the initial comments undermines CUSC's well-supported analysis that the FCC is empowered to adopt procedural ETC designation rules for both itself and the state commissions.

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40/ 47 U.S.C. §§ 252; 251(f).

41/ See CUSC at 13-14 (citing *AT&T v. Iowa Utilities Board*, 525 U.S. at 384-85, and 47 U.S.C. § 252(c)(2)).

42/ NTCA at 7.

43/ See *infra* Section I.A; see also 47 U.S.C. § 254(b); *Alenco Communications, Inc. v. FCC*, 201 F.3d 608, 615 (5th Cir. 2000) ("The FCC must see to it that both universal service and local competition are realized; one cannot be sacrificed for the other.").

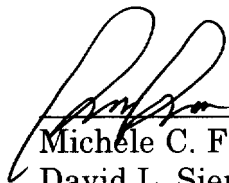
### III. CONCLUSION

For the foregoing reasons, Western Wireless urges the Commission to expeditiously adopt its proposal to enact rules requiring that all applications for ETC designation be resolved within six months.

Respectfully submitted,

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## **APPENDIX A:**

### **Filing Dates and Status of Western Wireless ETC Petitions**

<b>State</b>	<b>Date Filed*</b>	<b>Status</b>	<b>Duration of Process</b>
California	5-17-2000	Granted 7-20-2000 (non-RTC service areas only)	2 months
Colorado	3-28-2000	Pending	5 months +
Iowa	4-28-2000	Pending	4 months +
Kansas	9-2-1998	Granted 1-18-2000 (non-RTC service areas only)	16 months
Minnesota	9-1-1998	Granted 10-27-1999	13 months
Montana	8-17-1998	Voluntarily withdrawn 11-3-1999 due to onerous discovery	15 months until withdrawn
Nebraska	8-31-1998	Pending	24 months +
Nevada	6-2-2000	Granted 8-17-2000	2 months
New Mexico	9-1-1998	Pending	24 months +
North Dakota	8-17-1998	Granted 12-15-1999 (non-RTC service areas only)	16 months
Oklahoma	8-28-1998	Pending	24 months +
South Dakota	8-25-1998	Denied 5-19-1999; appeal granted 3-22-2000 (non-RTC service areas only), further appeal pending	24 months +
Texas	3-15-2000	Pending	6 months +
Utah	8-31-1998	Granted 7-21-2000 (non-RTC service areas only)	23 months
Wyoming	9-1-1998	Dismissed on jurisdictional grounds 8-13-1999; pending before FCC	11 months until dismissal. (WY); 11 months + (FCC)
Crow Reservation	8-4-1999	Pending before FCC	12 months +

\* In some states, Western Wireless was compelled to withdraw its first application and refile.

+ Indicates that petition remains pending